



**Mr Michael Howard MARLA
Director, Urbanbubble (Liverpool)
Limited t/a Urbanbubble**

Disciplinary Tribunal Decision

25 May 2021

Disciplinary Tribunal Decision

Member:	Mr Michael Howard MARLA
Position:	Director
Company/Employer:	Urbanbubble (Liverpool) Limited t/a Urbanbubble
Address:	Sevendale House, 7 Dale Street, Manchester, M1 1JA
Complainant:	Propertymark
Reference:	X0059645
Date:	25 May 2021

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 25 May 2021 using the Zoom virtual conferencing platform to consider the case against Mr Michael Howard MARLA.

The panel members were Mr Richard Hair PPNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal), Mr David Coleman MARLA FNAEA (member panellist) and Mr Clive Wood (lay panellist).

The presenting Case Officer for Propertymark was Ms Farrah Gibson.

Mr Howard was in attendance at the hearing accompanied by his colleagues Mr Menno de Vree (head of Operations) and Ms Debbie Yarrow (Head of Finance).

The hearing took place in private and was recorded.

B. ALLEGATIONS

The Tribunal considered the allegations set out in the case summary sent to Mr Howard.

It was alleged that Mr Howard had acted in contravention of the requirements of the following Propertymark Conduct and Membership Rules.

1.14. Payments out of a Client (Bank) Account

A member's firm should withdraw, transfer, or make a payment from a Client Bank Account only in the following circumstances:

- 1.14.1. Money paid in to open or maintain the account in accordance with clause 1.13.1 of this Rule and where it is no longer required.
- 1.14.2. Money paid into the account in accordance with clause 1.13.4 of this Rule, which does not belong to the Client, for payment to the person lawfully entitled to it.
- 1.14.3. Within three working days of becoming aware of a relevant contravention, money paid into the account in contravention of this Rule.
- 1.14.4. Money payable to a Client, or, to an appropriate person suitably authorised (in writing) to receive such payments on that Client's behalf.
- 1.14.5. Money being paid directly into another Client Bank Account.
- 1.14.6. Reimbursement of money to the member's firm for money expended by the member's firm on behalf of the Client.
- 1.14.7. Money lawfully and contractually due, in respect of a PPD member's firm's fees and charges.
- 1.14.8. Legitimate disbursements, e.g., amounts subject to invoices, costs or demands incurred or received on behalf of the Client.
- 1.14.9. Provided that in the case of money drawn under sub-clauses 1.14.6 and 1.14.7 above:
 - (a) The payment is in accordance with lawful and contractual written arrangements (for example via terms of business, pre-contract/tenancy application documents, tenancy agreement, letter of engagement), previously agreed between the parties;
 - or (b) The Client, or an authorised representative, has been notified or invoiced in writing by the member's firm of the amount and purpose for which the money is being withdrawn and no objection has been raised within a reasonable timescale.
- 1.14.10. Always provided that, under rule 1.14, no payment shall be made for or on behalf of an individual Client that exceeds the total amount held on behalf of that particular Client.

13. General duty to uphold high standards of ethical and professional behaviour

13.1.2 Involves other unprofessional practice or practice that is unfair to members of the public;

21. Continuing professional development (CPD) rules

21.1. CPD is mandatory for all ARLA, ARLA Inventories, NAEA, NAEA Commercial and NAVA members except for Affiliate, Deferred, Retired grade members.

21.2. Members are required to undertake at least twelve hours' CPD activity per year. At least four of the twelve hours must be obtained by attendance at relevant educational events and up to eight hours by relevant private study (except for those studying for Propertymark Qualifications relevant to their specialism). All CPD should be relevant to the membership specialism and/or relevant to business needs.

21.3. The CPD year runs from 1 January to 31 December and the twelve hours should be submitted by 31 January of the following year, listing the learning outcomes.

21.4. CPD must be provided annually for membership to continue.

21.5. If members belong to more than one division, they are required to submit twelve hours/ CPD for each division demonstrating a relevant learning outcome.

C. DECISION

The Tribunal reached the following decision after considering the submissions from the case Officer and Mr Howard:

Rule 1.14	-	Admitted
Rule 13.1.2	-	Proven
Rule 21	-	Admitted

Mr Howard submitted a plea in mitigation.

D. SANCTIONS

Rule 1.14	-	£5,000
Rule 13.1.2	-	£5,000
Rule 21	-	£500

In addition, costs were imposed of £193 against Mr Howard in favour of PropertyMark.

E. PUBLICATION

The outcome of the hearing fell within the PropertyMark publication policy.

F. CLOSING STATEMENT

The Tribunal made the following statement:

“Firstly, we thank all three of you for attending today, your input has been very helpful to your case. However, clients account is sacrosanct and money should never be withdrawn for any unwarranted reason.

The Tribunal have considered the full range of penalties in the case and have imposed the maximum financial penalties available.”